

REMARKS

In the application claims 1-44 remain pending. No claims have been canceled. No claims presently stand allowed.

In the Office Action, restriction to one of the following inventions was required: Group I including claims 1-15 and 29-33; Group II including claims 16-28; and Group III including claims 34-44.

In response the applicants provisionally elect to prosecute the invention of Group I.

The restriction requirement is, however, respectfully traversed for the reason that it is improper. Specifically, MPEP § 803 sets forth that if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) the inventions must be independent or distinct as claimed; and

(B) there must be a serious burden on the examiner if restriction is required.

In the present case, while each Group of claims may have attained recognition in the art as a separate subject for inventive effort, the Office Action has not stated that examination of each Group of claims would also require searches in separate fields. Rather, from a review of the claims, it is clear that such separate searches would not be required. For example, to properly examine the claims of Group I, the examiner would be *required* to consider the very same art that would have to be considered during the examination of the claims of Group II, i.e., the claims of Group I *include* the Group II base station. The same is true of the claims of Group III.

From the foregoing, since it cannot be argued that the continued prosecution of all of the claims in the subject application would place the Office under a serious burden, i.e., it cannot be

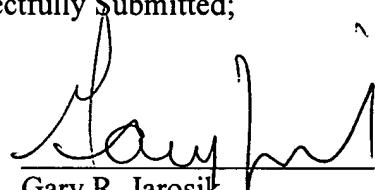
argued that separate searches would be required, it is submitted that the restriction requirement must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

Respectfully Submitted;

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